

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)
Plaintiffs,) Case No. 10-cv-7104
v.)
PAN-OCEANIC ENGINEERING CO., INC.,)
an Illinois corporation, N.K. CONTRACTING &) Judge HIBBLER
EQUIPMENT CO., INC., an Illinois corporation,)
and JDS CONTRACTING & EQUIPMENT)
LLC, an Illinois member managed limited)
liability corporation,)
Defendants.)

SETTLEMENT AGREEMENT AND STIPULATION TO DISMISS

Now come Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund for the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (collectively hereinafter "Funds"), by and through their attorney, Jerrod Olszewski, and Defendants, Pan-Oceanic Engineering Co., Inc., N.K. Contracting & Equipment Co., Inc., and JDS Contracting & Equipment LLC, (collectively hereinafter "Company"), by and through their attorney, Marty Schwartz, and hereby enter into the following Settlement Agreement and Stipulation to Dismiss.

1. The parties have settled this matter with Company agreeing to pay Funds the sum of \$175,418.72 as follows and entering into an Indemnification Agreement:

- A. Four installment payments of \$43,854.68;
- B. The first installment payment of \$43,854.68 is to be in the form of a cashier's check made payable to "Laborers' Pension Fund" and received by Funds' attorney no later than February 6, 2012 at his Chicago office;
- C. The second installment payment of \$43,854.68 is to be in the form of a cashier's check made payable to "Laborers' Pension Fund" and received by Funds' attorney no later than March 6, 2012 at his Chicago office;
- D. The third installment payment of \$43,854.68 is to be in the form of a cashier's check made payable to "Laborers' Pension Fund" and received by Funds' attorney no later than April 6, 2012 at his Chicago office; and
- E. The fourth and final installment payment of \$43,854.68 is to be in the form of a cashier's check made payable to "Laborers' Pension Fund" and received by Funds' attorney no later than May 6, 2012 at his Chicago office;

2. Nothing contained herein shall be deemed an admission of liability by any party. The parties are entering into this settlement to avoid the inconvenience and expense of further litigation.

3. In exchange for the foregoing settlement, Funds release Company from all liability arising out of the January 1, 2008 through December 31, 2010 benefit contribution audit (however Funds do not release Company and Company's owner from

their obligations set forth in the Affidavit and Indemnification Agreement signed by Company and Company's Owner on January 5, 2012), including benefit contributions, liquidated damages, interest, audit costs, and Funds' attorneys fees and costs incurred in their collection efforts related to the foregoing amounts.

4. The parties further agree and request this Court to dismiss this matter without prejudice with this Court retaining jurisdiction to enforce the terms of the Settlement Agreement through May 17, 2012. Absent a timely motion, said dismissal will be with prejudice on May 18, 2012.

Respectfully submitted,

Dated: January 6, 2012

Laborers' Pension Fund, et al.

By: /s/ Jerrod Olszewski
Jerrod Olszewski

Office of Fund Counsel
111 W. Jackson Blvd., Suite 1415
Chicago, IL 60604
(312) 692-1540

Pan-Oceanic Engineering Co., Inc.

By: Gulzar Singh
Gulzar Singh
Its President and Owner

Pan-Oceanic Engineering Co., Inc.
8501 W. Higgins Rd, Suite 630
Chicago, Illinois 60631

N.K. Contracting & Equipment Co., Inc.

By: Narinder Singh
Narinder Singh
Its President and Owner

N.K. Contracting & Equipment Co., Inc.
1500 Seward St.
Schaumburg, Illinois 60193

CERTIFICATE OF SERVICE

The undersigned attorney of record certifies that he caused a copy of the foregoing Settlement Agreement and Stipulation to Dismiss, to be served upon the following individuals on January 16, 2012, via US Mail, postage pre-paid or the Court's electronic notification system as noted.

(Via Mail)
Pan-Oceanic Engineering Co., Inc.
8501 W. Higgins Rd, Suite 630
Chicago, Illinois 60631

N.K. Contracting & Equipment Co., Inc.
1500 Seward St.
Schaumburg, Illinois 60193

JDS Contracting & Equipment LLC
1500 Seward St.
Schaumburg, Illinois 60193

(Via Court's electronic notification system)
Marty J. Schwartz
Schain, Burney, Banks & Kenny
Suite 4500
Three First National Plaza
70 West Madison St.
Chicago, Illinois 60602

/s/ Jerrod Olszewski